

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

1 3993 Howard Hughes Parkway, Suite 600  
2 Las Vegas, NV 89169-5996  
3 Facsimile (702) 949-8321  
4 Telephone (702) 949-8320

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5 40 North Central Avenue, Suite 1900  
6 Phoenix, Arizona 85004-4429  
7 Facsimile (602) 734-3824  
8 Telephone (602) 262-5756

9 Susan M. Freeman AZ State Bar No. 004199  
10 Email: sfreeman@lrlaw.com  
11 Rob Charles NV State Bar No. 006593  
12 Email: rcharles@lrlaw.com

13 Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE  
16 COMPANY,

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

USA CAPITAL REALTY ADVISORS,  
LLC,

**CHAPTER 11**

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

**STIPULATION RE WITHDRAWAL  
OF PROOF OF CLAIM NO. 10725-  
00260 FILED BY DAVID E.  
GACKENBACH REVOCABLE  
TRUST**

USA SECURITIES, LLC, Debtors.

**Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

The USACM Liquidating Trust (the “USACM Trust”), by and through its undersigned counsel, and David E. Gackenbach Revocable Trust (“Claimant”), stipulate:

1. Claimant filed a Proof of Claim (“Claim”) No. 10725-00260 on October 3, 2006, in the amount of \$100,000.00.

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1           2. On August 23, 2007, USACM Trust notified Claimant of discrepancies with  
 2 respect to the Claim and gave Claimant the option to correct the discrepancies or withdraw  
 3 the Claim.

4           3. Claimant notified the USACM Trust that Claimant wants to withdraw the  
 5 proof of claim filed in this case.

6           Therefore, the parties stipulate and agree that Claimant withdraws proof of claim  
 7 No. 10725-00260 filed on October 3, 2006, in the amount of \$100,000.00 and no further  
 8 notice shall be given to Claimant. Claimant will receive no distribution from the USACM  
 9 Trust on account of the Claim, but this does not affect any payments Claimant may be  
 10 entitled to receive from the current or future servicing agent on pending Direct Lender  
 11 loans from current or future Borrower loan payments.

12           DATED: September 21, 2007

13           LEWIS AND ROCA LLP

14           By: /s/ RC (#6593)

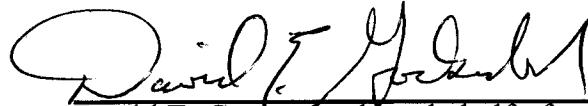
15           Susan M. Freeman, AZ 4199 (*pro hac vice*)

16           Rob Charles, NV 6593

17           Counsel for USACM Liquidating Trust

18           -and-

19           DATED: Sept 1, 2007.



20           David E. Gackenbach on behalf of  
 21           David E. Gackenbach Revocable Trust

22           12240 N. 128th Place

23           Scottsdale, AZ 85255

24           Address